

**ARIZONA COMMISSION OF INDIAN AFFAIRS
BOARD OF COMMISSIONERS MEETING MINUTES**

**Coconino County Health and Community Services Building
Ponderosa Room 2625 North King Street, Flagstaff, Arizona 86004
Thursday, August 14, 2014 9:30 A.M.**

Commission Members Present:

Dan Brooks
Philbert Watahomigie, Sr.
Francis Bradley, Sr.
Leah Larson Hubbard(phone)
Dave Castillo (phone)
Buddy Rocha (phone)
Billie Spurlin (phone)

Misty Klann (phone)

Courtney Coolidge (phone)

Staff Present:

Kristine FireThunder
Kelly Hedman

Commission Members Absent:

Nathan Pryor
Lucinda Hughes Juan
Derreck Wheeler

Ex-Officio Members Present:

Dawn Melvin (phone)
Dawn Williams (phone)
Mary Huyser
Michael Allison

Ex-Officio Members Absent:

Keith Watkins
Debora Norris

Members of the Public Present:

John deGrasse, Arizona Department of Revenue
David Raber, Arizona Department of Revenue
Robert Bray, Arizona Department of Revenue
Christie Comantia, Arizona Department of Revenue
Gerry Walker, Arizona Department of Water Resources
Tom Buschatzke, Arizona Department of Water Resources
Chad Yazzie, Office of the Navajo Tax Commission
Martin Ashley, Office of the Navajo Tax Commission
Larry Scarber, Arizona Department of Public Safety
Will Town, Yavapai-Prescott Indian Tribe
Marcelino Gomez, Salt River Pima-Maricopa Indian Community
Director Gil Orrantia, Arizona Department of Homeland Security
Fernando Reyes, Arizona Department of Homeland Security
Joe Vernier, Arizona Department of Liquor Licenses and Control
Brenda Roberts, White Mountain Apache Tribe
Henry Haskie, Navajo Division of Health
Michael Britt, Arizona FirstNet Program

CALL TO ORDER: 9:40 A.M. The roll was called and a quorum was established.

CONSENT AGENDA:

A motion was made by Mr. Bradley to pass items on the consent agenda (minutes of June 12, 2014 meeting). The motion was seconded by Mr. Spurlin. Hearing no further discussion, motion passed unanimously.

CHAIRPERSON REPORT:

Update on the Arizona Town Hall and Public Safety given by Ms. Fire Thunder. The Indian Town Hall will be focused around Public Safety and Law Enforcement. The idea is to have a consolidated group of approximately fifty people by invitation only. We would like to work towards a program which produces

feasible options to answer some problem situations we have on tribal land. At this time we are speaking with tribal police to narrow what those areas of discussion should be. The scope of these issues has been difficult to isolate, so we are working on survey questions which may be distributed in the tribal communities.

DIRECTORS REPORT:

Ms. Fire Thunder welcomed everyone and acknowledged August 14th is the first Navajo Code Talkers Day to be observed by the State of Arizona. It was first adopted by Ronald Regan and we are fortunate it was passed last session. She opened the discussion to Mr. Mitchell, Chief of Staff for the Navajo Nation. He thanked the commission members and the attendees for recognizing the Navajo Code Talkers Day and for inviting them to the meeting.

Ms. Fire Thunder also recognized the Hualapai Tribe and the recent opening of the Diamond Bar Road. Vice Chairman Watahomigie stated the Diamond Bar Road which connects the Grand Canyon West with the Skywalk was completed and opened this week. He invited the members of the board to visit the Grand Canyon West.

DISCUSSION AND ACTION:

A. Promoting Tribal Health & Welfare through Partnership, Department of Revenue

The State of Arizona proposes a partnership with each Tribal Nation to enhance the enforcement of tribal and state laws regarding tobacco use. These partnerships will focus on improved information sharing between the Tribes and the Arizona Department of Revenue. Additionally, the partnership will allow for the Tribes and the Department to coordinate retailer inspection and investigations. The presentation gave a general aspect of tobacco enforcement and identified the benefits a partnership can offer to each Tribal Nation.

John deGrasse stated in response to lawsuits filed by many states to recoup healthcare costs related to cigarette use, a segment of the tobacco manufacturers (termed “participating manufacturers” or “PMs”) settled the litigation with 46 states through the Master Settlement Agreement (MSA). Those manufacturers that were not subject to the MSA are referred to as non-participating manufacturers (“NPMs”). As part of the MSA, the PMs agreed to make annual payments to each participating state. Arizona receives approximately \$100 million annually. These payments are dedicated to the Arizona Health Care Cost Containment System. To offset the competitive disadvantage created by the PMs Annual payments, the states require each NPM make escrow payments based on units sold by that NPM within the state. The MSA requires the states enforce tobacco laws to ensure each NPM pays the proper escrow amount. The PMs recently challenged the efforts of many states, including Arizona. To settle the PMs claims; Arizona agreed to additional conditions, including a good faith effort to monitor the amount of NPM product present in retailer shops located within each Tribal Nation.

The Department seeks to partner with each Tribal Nation to minimize the risk that tobacco-related funds, including annual MSA funds, will be lost. It would provide the opportunity for Tribal authorities and Department personnel to work together in planning retailer inspections and conducting investigations. The Department has requested individual meetings with representatives of each Tribal Nation to discuss the possibility of entering into intergovernmental agreements.

B. Human Trafficking Overview – Director Gil Orrantia, Arizona Dept. Homeland Security

Director Orrantia serves on the Governor’s Human Trafficking Task Force and Council as a Co-Chair with Cindy McCain. The average age where these young people enter into this life is 13 to 14 years of age. Arizona State University School of Social Work conducted research which provided insight into what kinds of experiences do individuals face before becoming sexually exploited. Included in those responses were; child abuse, parental alcohol and drug use, domestic violence neglect or abandonment and running away from home, homelessness. The

victims are often courted by people who promise to take care of them and “groom” the child to believe they will have a good life. There are also situations where these children are kidnapped and kept as prisoners, and scared into doing what they are told or suffer further abuse. There are many levels of domestic sex trafficking, and very large in Arizona. In Arizona they were able to pass a law in the last session to assist in HB 2454 to strengthen the state law and protect victims of sex trafficking. It passed unanimously in the House and Senate and was signed by the Governor.

Further education needs to be sent out through the first responders, hospitals to get behind this movement. These children are not criminals they are victims and Director Orrantia believes there is a movement in the Nation which is happening that recognizes these children are in need.

Director Orrantia showed a video called “Branded” (7 minute documentary highlighting survivors of childhood prostitution.)

Following the video Director Orrantia stated they are on the brink of putting extensive training into our public safety officers and responders for how to identify and respond to possible human trafficking calls. He went on to say the misconception of the term trafficking is being identified as bringing people overseas, when in fact it is much more, as he has described in this presentation.

C. Arizona FirstNet Program - Michael Britt, Program Manager

The purpose of the Arizona FirstNet Program is to develop and build out a Nationwide Safety Broadband Network. Main problems that public safety has is that during a major incident the mass public gets on their cell phones and takes the network towers down and public safety cannot use the network. FirstNet became a law PL112-96 on February 22, 2012, to provide emergency responders with the first nationwide, high-speed wireless broadband network dedicated to public safety at the federal level. 20MHz of bandwidth has been dedicated to public safety in the 700MHz frequency range. Funding has been authorized at \$7 Billion to build the FirstNet network; funded by spectrum auctions through 2022, the first auction netted \$1.6 Billion. It is a private network for public safety users (primary and secondary) in the event of an emergency. Standards are uniform across the nation to provide reliability, resiliency, security, and interoperability.

Arizona FirstNet is funded by the State and Local Implementation Grant Program providing \$118 million nationally for states to perform outreach and collect data for planning the Nationwide Public Safety Broadband Network. It is a program within the Broadband Planning and Public Safety Communications office in ADOA-ASET along with 9-1-1 and Broadband Planning. Two main components of the grant program are education and outreach to inform and educate public safety stakeholders statewide; to determine how the new technology may impact governance and operations. As well as, data collection and coverage, to collect agency data, coverage requirements, budget considerations, to determine possible participants and possible shared infrastructure.

Mr. Britt stated of the 22 Arizona Tribes many of them are on the borders of Arizona, Nevada and California. He mentioned there are often challenges with communication and would like to continue working on ways to break through the barriers. It would be beneficial to get in touch with the correct people within the Tribes and maintain a relationship with each of those people. Director Fire Thunder suggested moving forward FirstNet should contact Inter Tribal Council of Arizona, Indian Country Intelligence Network, and offered her contact information as well.

D. Colorado River Drought Response and Sustainability Planning – Tom Buschatzke, Assistant Director for Water Planning - Dept. of Water Resources

Mr. Buschatzke stated average Lake Powell inflow over the past 14 years has been the driest in the last 35 years of natural flows. Projections for Lake Mead are showing a 23% probability of shortage in 2016, which is determined by many factors. There is over a 60% probability there will be a shortage in 2017; this of course can be changed by rain and snow run off. There are no shortages projected for the tribes or impacts on hydrogeneration when Lake Mead falls below elevation 1075) at Tier 1 shortage, there are, however, impacts to tribes at shortage tiers that may occur later on. Under normal operating conditions, 8.23 million-acre-feet (MAF) are delivered from Lake Powell to Arizona, California, and Nevada and to Mexico. Due to the decline in the system the deliveries and losses are greater than the inflows to Lake Mead. Previously, under higher inflow scenarios, the reservoir system could reset itself and maintain above average elevations. The projected shortage in 2017 would impact excess water customers and farmers who receive water from the Central Arizona Project, tribes will not be effected.

Discussions were opened over a year ago with Arizona Department of Water Resources, Director Michael Lacey acting on Arizona's behalf with the Federal Government and the other six Colorado River Basin States. The goal of this discussion was to find collaborative solutions for dealing with shortages and dropping Lake Mead levels. Under the existing guidelines, the states must re-consult when Lake Mead levels fall below elevation 1000 feet. It is the desire of the seven Basin States to craft a consensus action to avoid the Federal government taking action on their own or having the States taken to court. Currently, the discussions are occurring at three levels: Lower Basin States only' Upper Basin and Lower Basin States; and the Basin States and the Department of the Interior. They are looking into new ways to resolve shortage issues in order to give Lake Mead and Mother Nature time to replenish this resource.

Ms. Fire Thunder presented the question how this shortage might effect any water settlement agreements. Mr. Buschatzke said for the tribe water settlements to be effected Arizona would have to experience a shortage greater than 450,000 acre-feet and the elevation of Lake Mead would have to sink below 1025 feet.

FUTURE MEETING: Thursday, October 16th, 2014 9:30-11:30 (Location TBD)

FUTURE AGENDA ITEMS:

1. Human Trafficking in Indian Country – Lynnette Grey Bull
2. Western Regional Partnership Presentation – Amy Duffy

CALL TO THE PUBLIC: None

ADJOURNMENT: The meeting adjourned at 11:34 A.M.